

# Utah Board of Juvenile Justice Minutes

<b>Committee</b>	<b>Utah Board of Juvenile Justice Annual Meeting</b>
<b>Date</b>	Thursday, October 17, 2013
<b>Time</b>	8 a.m. – 5 p.m.
<b>Location</b>	Utah State Capitol Complex, Senate Bldg., Copper Room
<b>Members Present</b>	Pat Berckman, Donovan Bergstrom, Karen Crompton, Patrick Garcia, Gini Highfield, Scott Jackson, Anthony Johnson, Spencer Larsen, Nindy Le, James Marchel, Judge Michie, Van Nguyen, Brent Platt, Troy Rawlings, Shirlee Silversmith, Rachael Skidmore, Andrea Martinez Griffin for Pam Vickrey
<b>Members Excused</b>	
<b>Members Absent</b>	
<b>Staff</b>	Reg Garff, Jo Lynn Kruse, Cuong Nguyen, Jacey Skinner
<b>Visitors</b>	Becky King, Judge Sharon McCully, Diane Oddone, Judge Ric Oddone, Chris Roach, Dawn Marie Rubio, Ray Wahl
<b>Agenda Item</b>	<b>Welcome and Approval of Minutes</b>
<b>Notes</b>	<p>Karen Crompton called the meeting to order and welcomed everyone. Judge Michie made the <b>motion</b> to approve the minutes from the September meeting. Brent Platt <b>seconded</b> the motion which <b>passed unanimously</b>.</p> <p><b>Officer Elections</b> – The current officers, listed below, are eligible to serve another term</p> <p>Pre-Adjudicated Committee Vice Chair: Troy Rawlings  Title V Committee Vice Chair: Gini Highfield  Youth/DtWT Committee Chair: Rachael Skidmore  DMC Committee Vice Chair: Scott Jackson</p> <p>Pat Berckman made the <b>motion</b> to keep the above officers for another term. Spencer Larsen <b>seconded</b> the motion, which <b>passed unanimously</b>.</p>
<b>Agenda Item</b>	<b>Systemic Priorities</b> (tape part 1)
<b>Notes</b>	<p><b>Juvenile Court</b> – Ray Wahl, Deputy Court Administrator  Ray introduced the new juvenile court administrator Dawn Marie Rubio.</p> <ul style="list-style-type: none"> <li>• Child welfare cases make up 13 percent of the total cases handled by judges, but they require 47 percent of judges' time due to their complexity.</li> <li>• The number of voluntary relinquishment, termination of parental rights, and child welfare proceeding events increased between FY 2012 and FY 2013.</li> <li>• Juvenile court works to ensure cases are handled in a timely manner.</li> <li>• The highest percentage of delinquency referrals to the juvenile court are for misdemeanor offenses followed by contempt offenses and status offenses.</li> <li>• The most common delinquency offense in 2012 was retail theft (shoplifting) followed by contempt, and alcohol possession or consumption.</li> <li>• The payment of restitution to victims is a priority that takes precedence over the payment of all other types of fees or fines ordered by the juvenile court. In 2012, offenders paid more than \$713,000 in restitution to the victims they had harmed.</li> <li>• The recidivism rate decreased slightly from 33 percent in 2009 to 32 percent in 2010. The recidivism rate has been declining since 2007, when it was 35 percent.</li> <li>• Most juveniles who recidivate commit a new offense of the same severity level as the initial offense. Nearly 60 percent of youth recidivate with an offense of the same severity level. Twenty two percent commit a more severe crime and 19 percent less severe.</li> <li>• Juvenile court is one year into a two year plan to convert to electronic records.</li> <li>• Moving forward, juvenile court is using truancy mediation in collaboration with schools, local youth courts, and working with schools to assist students before they are referred to court.</li> <li>• Juvenile court is examining Valid Court Order Exceptions, and has had many discussions. They are tracking data on this to figure out alternatives. They are also working on better</li> </ul>

	<p>understanding trauma informed care.</p> <p><b>Juvenile Justice Services</b> – Chris Roach, Deputy Director</p> <ul style="list-style-type: none"> <li>• FY 2014 goals include improving short and long term outcomes for youth, engage families in the rehabilitation process and improve safety, security, and morale of JJS youth and employees.</li> <li>• Continue to improve case management with roll out of the Case Planning Tool 3.0</li> <li>• JJS will continue to use evidence-based practices, the Correctional Program Checklist and ongoing training to incorporate trauma-informed principles and finally, pilot the Positive Behavioral Interventions and Supports (PBIS)</li> <li>• Program priority areas include early identification, short term evidence-based interventions and drug and alcohol treatment</li> <li>• Moving forward with the Weber Multi-use Youth Center, which will be consolidated into one facility with six different critical program areas for care and rehabilitation of delinquent youth</li> </ul> <p><b>DCFS</b> – Brent Platt, Director of DCFS</p> <ul style="list-style-type: none"> <li>• DCFS provided services to 55,258 people overall between July 2011 and July 2012, utilizing Intake and Child Protective Services, Home-Based Services, Foster Care Services, and 1064 DCFS workers.</li> <li>• DCFS HomeWorks Program is a set of evidence-based services, strategies, tools, and expectations that best support the safety, permanency, and well-being of children and the strengthening of their family.</li> <li>• Key components of HomeWorks are structured decision making, Utah Family and Children Engagement Tool (UFACET), advanced professional approach and community resources.</li> </ul>
<b>Agenda Item</b>	<b>Blended Sentencing</b> (tape part 2 )
<b>Notes</b>	<p><b>Review of Current Practice</b> – Jacey Skinner, Executive Director of the Utah Sentencing Commission, presented <i>Blended Sentencing, The Basics and the Research</i>.</p> <p>Jacey discussed the history of juvenile transfer laws and the varieties of blended sentencing used across the United States. A quote by Professor Barry Feld, University of Minnesota, sums up “Net Widening”. “Net widening occurs when reformers introduce a new sanction intended to be used in lieu of another sanction which is more severe, in this instance blended sentencing in lieu of certification and imprisonment as an adult. As an alternative to a system of binary sanctions such as presented by traditional waiver – either juvenile or adult, with treatment or punishment... When an intermediate choice is offered it will tend to be filled more by those previously treated more leniently than by those treated more severely.”</p> <p>There is a DMC (Disproportionate Minority Contact) impact of these types of laws. Across the country we are seeing, despite best efforts, that the widening of the net is happening. Jacey will look into the cost of legislation, because a large fiscal note could derail it. Troy Rawlings asked if Jacey would make this presentation to attorneys statewide.</p> <p>Conclusions on Blended Sentencing:</p> <ul style="list-style-type: none"> <li>• <b>Blending sentencing remains promising</b>, (<i>Cheesman et al (2011); National Criminal Justice Association (1997)</i>), <b>but</b></li> <li>• <b>Targeting of unintended populations:</b> Research suggests that it must be “reserved for small number of the oldest, most serious juvenile offenders that present the greatest risk to public safety and who are least amenable to treatment in the juvenile justice system, identified by objective assessments.” (<i>Cheesman et al (2011)</i>);</li> <li>• <b>Racial disproportionality:</b> Research generally shows that racial minorities are overrepresented among transfers and underrepresented among blended sentences. (<i>Cheesman et al (2002) (Minnesota); Cheesman et al (2005) (Ohio); JJAC (2012) (Minnesota)</i>);</li> <li>• <b>Revocation of juvenile sentences for technical violations:</b> some research suggests that juveniles serving blended sentences may have juvenile sentences revoked and adult sentences imposed unnecessarily for technical violations of conditions of sentence. <i>Podkopacz &amp; Feld (2001)</i>.</li> </ul>

	<p>Primary Recommendations are:</p> <ul style="list-style-type: none"> <li>• Employ “<b>objective risk and needs</b>” <b>assessment</b> at motioning stage to identify both transfer and blended sentencing candidates (Cheeseman et al (2011); Warren (2007); Silver and Chow-Martin (2006)).</li> <li>• Provide <b>enhanced services and supervision</b> to juvenile offenders with blended sentences to avoid unnecessary revocation and imposition of adult sentences. Cheesman et al (2011); Vincent, Terry, and Maney (2009).</li> </ul>
<b>Agenda Item</b>	<b>Trauma Informed Care</b> (tape part 3 )
<b>Notes</b>	<p>Becky King, MSW, LCSW, Substance Abuse Treatment Program Manager, from the Utah State Division of Substance Abuse and Mental Health, addressed the Board on <i>Trauma-Informed Organizations</i>. A couple of quotes by Roger D. Fellot PhD, Assistant Clinical Professor of Psychiatry Yale School of Medicine, offer explanation for the need of Trauma-informed care: “The impact of trauma is very broad and touches many life domains” and “Over the past fifteen years, there has been growing acknowledgement of several interrelated facts concerning the prevalence and impact of trauma in the lives of people in contact with various human service systems.”</p> <p>A trauma-informed approach refers to how a program or agency thinks about and responds to those who have experienced or may be at risk for experiencing trauma. The five core values of trauma-informed care are: Safety, trustworthiness, choice, collaboration and empowerment. Becky handed out copies of a survey that can be used to help score an agency’s implementation plan and goal attainment. All these materials are available on the internet at <a href="http://www.dsamh.utah.gov">www.dsamh.utah.gov</a>.</p>
<b>Agenda Item</b>	<b>Youth Advocate of the Year Award</b>
<b>Notes</b>	This year’s recipient is Judge Frederic M. Oddone who was recognized for more than forty years of dedicated service, promoting innovative policy and fair-minded judgments serving countless youth and families of Utah.
<b>Agenda Item</b>	<b>Use of Valid Court Order (VCO)</b> (tape part 4 )
<b>Notes</b>	<p>Third District Juvenile Court Judge, Sharon P. McCully, spoke to the Board regarding the use of Valid Court Orders. The definition of a Valid Court Order from OJJDP is: An order given by a juvenile court judge to a juvenile who was brought before the court and made subject to an order; and who received, before the issuance of such order, the full due process rights guaranteed to such juvenile by the Constitution of the United States.</p> <p>Evidence shows that kids’ behavior doesn’t change by going to detention and it is not an effective deterrent, and in fact can do more harm. The Valid Court Order Exception allows judges to place status offenders in detention for technical violations of their court orders. These are youth that would not otherwise meet detention admission criterion.</p> <p>Almost half of the U.S. states who voluntarily participate with the JJDPa prohibit use of the VCO exception in state statute or do not actively utilize the exception.<sup>43</sup> In the thirty states where the exception is used; it is typically used by a single court or a small number of judges. A few states, however, frequently use the VCO exception to lock up youth charged with status offenses</p> <p>Judge McCully feels that the VCO exception will be done away with at some point in the future and that we should be thinking of what to do instead. It may eventually become a compliance issue for renewal of the JJDP Act. The Board concluded that with so many new judges being appointed, that this would be an opportune time for training judges on the use of detention. This issue will be added to the November meeting agenda.</p>
<b>Agenda Item</b>	<b>School to Prison Pipeline</b> (tape part 4 )
<b>Notes</b>	This was discussed at last month’s meeting as it relates to truancy. Roderic Land, Grant Manager for Salt Lake County, contacted Reg to talk about school discipline and zero tolerance policies. Several meetings have taken place so far with Roderic, Reg, Cuong and Pat. School districts have policies in place, but implementation varies from school to school. We need to look at discipline policy, graduation rates and also find out if some disproportionality (DMC) is occurring. Are there things we can do to support kids better in school and keep them out of trouble?

	<p>Someone in the group asked for a breakdown of the schools' policies statewide for comparison. Pat asked about SRO's and who they are arresting (seems it is driven by school administration and school suspension policy). Suspension for truancy does not make sense. What are evidence based practices?</p> <p>Gini Highfield would like to see more discussion on trauma informed care. Troy Rawlings asked if some portion of kids that skip school might be amenable to online education.</p>
<b>Next Meeting</b>	The next meeting is scheduled for Thursday, November 21, 2013, Utah State Capitol Complex, Copper Room, 8 am – 9:30 am

Minutes prepared by Jo Lynn Kruse – Administrative Assistant, CCJJ